



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/322,708	05/28/1999	KIRK DOW SANDERS	81862.P125	8389

7590 11/20/2002

LESTER J VINCENT
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES, CA 90025

EXAMINER

HO, DUC CHI

ART UNIT PAPER NUMBER

2665

DATE MAILED: 11/20/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

24

Office Action Summary

Application No.

09/322,708

Applicant(s)

SANDERS ET AL.

Examiner

Duc C Ho

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-15 is/are rejected.
- 7) ☒ Claim(s) 6-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 6-9, and 10-15 are objected to because of the following informalities:

Regarding claim 6, line 6, it seems typo error has occurred that the phrase “generating a **test** signal, wherein the **test** signal is generated by the DSP” has been recited as “generating a signal, wherein the signal is generated by the DSP”, since in one of the embodiment of the instant application, page 9, line 11, a test signal is generated by a DSP

Regarding claim 10, line 11, the term “FPGA” should be written in full word at first time mentioned.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 10-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation “the FPGA” in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

Art Unit: 2665

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamashita (US 5,351,232).

Regarding claim 1, Yamashita discloses a path-monitoring system for cross-connect system.

receiving a time division multiplexed (TDM) stream on an input of the transmission system (the digital cross-connect system receives a plurality of TDM input lines #1- #N, figure 1, column 1, lines 12-20. Each TDM frame contains N idle timeslots and data timeslots) wherein the TDM stream comprises a plurality of data fields (data timeslots) and a plurality of unused fields (idle timeslots);

inserting test data in one or more of the plurality unused fields of the TDM stream (a multiple test pattern 17 inserts a test pattern A into idle timeslot #1 of each frame of line input #1, column 1, lines 21-23);

transferring the TDM stream along a plurality of components of the transmission system (the TDM frame contains idle timeslot and data timeslot is cross-connected from the input to the output via a plurality of insertion circuits 10₁ - 10_N, RAM 20₁ - 20_N, and check circuit 12, column 1, lines 12-54); and

comparing the test data (the inserted test pattern or the original pattern) against the transferred data (test pattern) (each check circuit 12 determines whether each test pattern matches the original pattern, column 1, lines 47-49).

Regarding claim 2, a plurality of connection paths (1-N) are established from each input line ($10_1 - 10_N$) to each output line ($10_1 - 10_N$) between the plurality of circuits, figure 1.

Regarding claim 3, a multiple test pattern 17 inserts a test pattern A into idle timeslot #1 of each frame of line input #1, column 1, lines 21-23. This indicates a path or a connection line extending from an input to a corresponding output is configured between the plurality of circuits of the system using one idle timeslot of the TDM frame.

Regarding claim 4, N copies of the output signal of test pattern insertion circuit 10i are sequentially stored into respectively corresponding RAM's 20i, column 1, lines 20-32, before being checked by the check circuit 12 whether each test pattern (*the transferred test data*) matches the original pattern (*test data*), column 1, lines 47-49.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Yamashita, in view of Bull et al. (US 4,523,308).

Regarding claim 5, Yamashita discloses all claimed limitations except
a step of generating an error flag if the test data is different from the transferred test data.

Bull discloses a telephone concentrator switch arrangement. The line switch controller 36-fig. 1 determines a path for transferring the digitized voice information between the subscriber line 28a-28n (FIG. 1), and central office 10 over a port group highway, a line group highway, and a time slot through the line group highway switch 38, column 10, lines 22-27. If a voice path could not be located, the line switch controller sets a program return status to "no path available" and returns to the calling program. If a voice path located, the line switch controller monitors the DONE bit (fig. 5 D) of the status register, and if the DONE bit is not set within a specific time-out period, the line switch controller sets an error flag, column 13, lines 1-22.

It would have been obvious to one of ordinary skill in the art, at the time invention was made, to employ a mechanism generating an error flag by a controller as taught by Bull into the system of Yamashita so that if a mismatch is detected, the check circuit 12 would set an error flag and the network management system 13 is notified of this fact to control the address control memory 14.

Allowable Subject Matter

8. Claims 10-15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 , and also the objection(s) set forth in this Office action.
9. Claims 6-9 are objected but would be allowable if rewritten or amended to overcome the objection set forth in this Office action.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Battocletti (US 4,064,369) ; Aaron et al. (US 5,331,632); and Dunning et al. (US 4,377,859) are cited to show a background test system for time division multiplexing switching systems, which is considered pertinent to the claimed invention.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Ho whose telephone number is (703) 305-1332. The examiner can normally be reached on Monday through Friday from 7:00 am to 3:30 pm.
- If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602.
- Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700
12. Any response to this action should be mailed to:
- Commissioner of Patents and Trademarks
Washington, D.C. 20231

Application/Control Number: 09/322,708
Art Unit: 2665

Page 7

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive,
Arlington. VA, Sixth Floor (Receptionist).

Patent Examiner

A handwritten signature in black ink, appearing to read 'Duc Ho', with a long horizontal stroke extending to the right.

Duc Ho

11-14-02